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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,661	10/30/2001	Thomas A. Wucherer	TRIRG-08851US0	4969
VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			EXAMINER	
			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		04/04/2007	PAPER	

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	Application No.	Applicant(s)				
	10/021,661	WUCHERER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Neveen Abel-Jalil	2165				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period in Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from to, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 27 D	Responsive to communication(s) filed on 27 December 2006.					
·=	,—					
, .) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-26 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1-26 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or	wn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	epted or b) objected to by the drawing(s) be held in abeyance. Set tion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate				

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

- 1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27-December-2006 has been entered.
- 2. The Amendment filed on 27-December-2006 has been received and entered. Claims 1-26 are pending.
- 3. Applicant's Amendment has overcome previous claim objections and rejections under 101, and 112, second paragraph.

Claim Objections

4. Claims 1-26 are objected to because of the following informalities:

The abbreviation "CAD element" must be spelled out in its entirety when first introduced in the Independent claims. Appropriate correction is required.

Claims 1, 20, 24, 25, and 26 recite "for storage", "instructions for", "memory for" etc. which constitute intended use language. The claims should be amended to recite more direct language such as "to", "that", "storing". Appropriate correction is required.

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Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1, 10, and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. That claims do not recite a practical application by producing a physical transformation or producing a useful, concrete, and tangible result. To perform a physical transformation, the claimed invention must transform an article of physical object into a different state or thing. Transformation of data is not a physical transformation. A useful, concrete, and tangible result must be either specifically recited in the claim or flow inherently therefrom. To be useful the claimed invention must establish a specific, substantial, and credible utility. To be concrete the claimed invention must be able to produce reproducible results. To be tangible the claimed invention must produce a practical application or real world result. In this case the claim fails to produce a tangible result because there is no outcome stored or presented to the "link" because it is never presented, stored, or outputted to realize its functionality. It is unclear where the "link" is taking place.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 14-17, and 20-26 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. It is not clear what the scope of the claim is supposed to encompass. Is it a method claim or a computer medium claim or system claim? Distinctions to each statutory category must be made to the independent claims and all their respective dependents (i.e. system, method, product, etc.).

Dependent claims 15-17 should be directed to "the computer readable storage of claim 14". Just as claim 14 in itself should be directed to "computer storage medium" instead of "processor readable storage". Correction is required.

The amendment made to claim 25 very last sentence, now creates confusion. Its unclear "in response" to what does the "linking" take place? Since as it reads now, the "link" is to "stored" in the database. There's no transmission taking place nor storage within the database unlike the other claims. Correction is required.

9. Claim 6 recites the limitation "the data unit" in the very last sentence. There is insufficient antecedent basis for this limitation in the claim. Is it a reference to first data unit or second data unit?

Claims 1, recites the limitation "said component specification" in line 18. There is insufficient antecedent basis for this limitation in the claim. Which component specification is being referenced?

Claim 4 recite "the data unites" (plural), There is insufficient antecedent basis for this limitation in the claim. There was only singular mention of "data unit" made in the previous claims.

Claim Rejections - 35 USC § 103

- 10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 11. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Loveland</u> (U.S. Patent No. 6,826,539 B2) in view of <u>McClendon et al.</u> (U.S. Patent No. 6,625,619 B1).

As to claims 1, 5, 20, and 24, <u>Loveland</u> discloses a method of managing facilities data, the method being executable by a host computer system comprising:

receiving a first graphical element comprising a CAD element entered by a user, area, or sub area to an image displayed on a monitor of a first computer system (See column 6, lines 21-32, also see Figure 19, 222, Upload Image);

displaying a graphical user interface on the monitor of the first computer system, wherein the graphical user interface is configured to:

receiving the first component specification into the graphical user interface, the first component specification comprising at least one non-graphical data element representing a physical or functional attribute and at least one data element representing a non-physical and

non-functional attribute into the graphical user interface (See column 4, lines 61-67, also see column 15, lines 56-65);

the first computer system transmitting said component specification including the non-graphical data element and said data element representing the non-physical and non-functional attribute as a data unit to a database for storage as a data unit therein via internet communication (See column 2, lines 23-40).

Loveland discloses the claimed invention except for receive non-graphical information associated with the first graphical element including a first component specification; and

link information for at least one component specification to a second component specification and the CAD element, area, or sub area, the at least one component specification including the first component specification.

<u>Loveland</u> doesn't explicitly teach linking of components and specification. However, <u>Loveland</u> in Figure 2, column 8, line 1-14, shows how components are linked to attributes, specifications, and photos.

McClendon et al. teaches receive non-graphical information associated with the first graphical element including a first component specification; and

link information for at least one component specification to a second component specification and the CAD element, area, or sub area, the at least one component specification including the first component specification (See McClendon et al. Figure 2, also see McClendon et al. column 9, lines 8-32, and McClendon et al. column 14, lines 28-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify <u>Loveland</u> by the teachings of <u>McClendon et al.</u> to include receive

non-graphical information associated with the first graphical element including a first component specification; and link information for at least one component specification to a second component specification and the CAD element, area, or sub area, the at least one component specification including the first component specification because it provides for ease of maintenance, and accuracy of records related to CAD project (See McClendon et al. column 4, lines 1-16).

As to claims 2, and 21, <u>Loveland</u> as modified discloses wherein the first computer system comprises a CAD computer system and wherein the CAD element is a first CAD graphical element, the first graphical element comprising the first CAD graphical element (See column 15, lines 35-55).

As to claims 3, and 22, <u>Loveland</u> as modified discloses wherein the graphical user interface comprises a plurality of fields, wherein the first component specification comprises a plurality of non-graphical information, and wherein entering the first component specification into the graphical user interface comprises entering the plurality of non-graphical information components into the plurality of fields of the graphical user interface (See column 9, lines 43-53, also see column 10, lines 6-17).

As to claims 4, and 23, <u>Loveland</u> as modified discloses the first computer system receiving, via internet communication, specification list data, wherein specification list data represents a list of specifications displayable on the monitor of the first computer system,

wherein each specification of the list represents a data unit stored in the database in data communication with the first computer system, wherein each data unit contains data representing non-graphical information (See column 17, lines 26-50, also see column 4, lines 61-67, also see column 15, lines 56-65);

the first computer system displaying the list of specifications (See column 13, lines 53-67);

adding a second graphical element to the image displayed on the monitor of the first computer system (See column 13, lines 53-67, also see column 15, lines 35-67, more than one graphical element can be stored and viewed by the user);

the first computer system transmitting second graphical element data to the database via internet communication, wherein the second graphical element data represents the second graphical element (See column 18, lines 45-65, also see column 17, lines 30-62, teaches listing of more then one graphical element, and also teaches the database to be central or master wherein numerous users have access to it);

the first computer system transmitting link data to the database via internet communication, wherein the link data indicates that one of the data units stored in the database is to be linked within the database to the second graphical element data after the second graphical element data is stored in the database (See column 18, lines 45-65, also see column 17, lines 30-62, teaches listing of more then one graphical element).

As to claims 6, and 18, <u>Loveland</u> discloses a method operating on a processor comprising:

a database receiving and storing first CAD element data generated by a first computer system in data communication with the database, wherein the first CAD element data represents a first CAD element, area, or sub area displayable on a monitor (See column 16, lines 30-55, teaches accessing the web interface via a communication network);

a database receiving and storing, as a component specification comprising a single data unit, at least one non-graphical data element representing a physical or functional attribute, and at least one data element representing a non-physical and non-functional attribute (See column 4, lines 61-67, also see column 15, lines 56-65).

Loveland discloses the claimed invention except for creating and storing a link in the database between data unit and the first graphical element and a second data unit, wherein the data unit stores first non-graphical information data, and wherein the database is configured to link one of the plurality of component specifications to a second of the plurality of component specifications. Loveland doesn't explicitly teach wherein the database is configured to link one of the plurality of component specifications to a second of the plurality of component specifications. However, Loveland in Figure 2, column 8, line 1-14, shows how components are linked to attributes, specifications, and photos stored in repository.

McClendon et al. teaches creating a link in the database between data unit and a first graphical element or a second data unit, wherein the link can be created between either the first graphical element or the second data unit, in the database wherein the data unit stores first non-graphical information data, and wherein the database is configured to link one of the plurality of component specifications to a second of the plurality of component specifications (See

McClendon et al. Figure 2, also see McClendon et al. column 9, lines 8-32, and McClendon et al. column 14, lines 28-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Loveland by the teachings of McClendon et al. to include creating a link in the database between data unit and a first graphical element or a second data unit, wherein the link can be created between either the first graphical element or the second data unit, in the database wherein the data unit stores first non-graphical information data, and wherein the database is configured to link one of the plurality of component specifications to a second of the plurality of component specifications because it provides for ease of maintenance, and accuracy of records related to CAD project (See McClendon et al. column 4, lines 1-16).

As to claim 7, Loveland as modified discloses

the computer system transmitting the first graphical element data to a second computer system via internet communication (See column 6, lines 60-67)

the computer system transmitting the first non-graphical data unit to the second computer system via internet communication (See column 16, lines 41-67, wherein "second computer system" reads on project has been published and made available for access by variety of users across the network).

As to claim 8, Loveland as modified discloses:

the computer system receiving second graphical element data via internet communication from a second computer system, wherein the second graphical element data represents a second

graphical element which is displayable on a monitor of the second computer system (See column 9, lines 43-53, also see column 10, lines 6-17, also see column 16, lines 41-67, wherein "second computer system" reads on project has been published and made available for access by variety of users across the network);

the computer system storing the second graphical element data into the database (See column 4, lines 61-67, also see column 15, lines 56-65); and

creating and storing a link within the database between the second graphical element data and the first data unit after the second graphical element data is stored in the database (See column 8, lines 1-27, wherein "after.. is stored" reads on "completed projects").

As to claim 9, <u>Loveland</u> as modified discloses the computer system sending, via internet communication, list data to the first computer system (See column 6, lines 60-67, also see column 8, lines 41-62), wherein the list data represents a list of non-graphical data units in the database, wherein each non-graphical data unit stores non-graphical information data, wherein the list of non-graphical data units includes the first non-graphical data unit (See column 9, lines 54-65, wherein "list" reads on "file" that is of many stored in a database).

As to claim 10, <u>Loveland</u> discloses the computer system receiving an additional non-graphical data element from a second computer system via Internet communication (See column 6, lines 60-67, also see column 8, lines 41-62); and

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the computer system storing the additional non-graphical data element in the first non-graphical data unit (See column 9, lines 54-65).

As to claim 11, <u>Loveland</u> as modified discloses comprising the computer system storing the first graphical element data in a first graphical data unit in the database, wherein the first graphical data unit stores additional graphical element data (See column 9, lines 54-65).

As to claim 12, <u>Loveland</u> as modified discloses wherein the first non-graphical information data represents information displayable in fields of an interface, wherein the interface is displayable on a monitor of the first computer system (See column 9, lines 43-53, also see column 10, lines 6-17).

As to claim 13, <u>Loveland</u> as modified discloses wherein the database links the first non-graphical data unit is in the database to a second non-graphical data unit in the database (See column 9, lines 25-32).

As to claim 14, <u>Loveland</u> discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming a processor to perform a method comprising:

a computer system receiving a data unit including at least one data element representing a non-graphical data element representing physical or functional attribute and at least one data element representing a non-physical and non-functional attribute via a network interface from a

first computer system (See column 9, lines 43-65) the data unit associated with a first graphical element comprising a CAD element, area, or sub area, the computer system receiving the data unit through a graphical user interface (See column 16, lines 14-25, column 16, lines 35-40, and see Figure 22, wherein "data unit" is deemed to "project file" for a created CAD project and stored a single file in the mast structure data), the graphical user interface configured to:

the first computer system updating a database, wherein said data unit which includes at least one data element representing a physical or a functional attribute is stored in the database (See column 10, lines 22-50).

Loveland discloses the claimed invention except for receive non-graphical information associated with a selected graphical element including a component specification, and

link information for at least one component specification to a second component specification and the CAD element, area, or sub area.

<u>Loveland</u> doesn't explicitly teach linking of components and specification. However, <u>Loveland</u> in Figure 2, column 8, line 1-14, shows how components are linked to attributes, specifications, and photos.

McClendon et al. teaches receiving non-graphical information associated with a selected graphical element including a component specification, and

link information for at least one component specification to a second component specification and the CAD element, area, or sub area (See McClendon et al. Figure 2, also see McClendon et al. column 9, lines 8-32, and McClendon et al. column 14, lines 28-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify <u>Loveland</u> by the teachings of <u>McClendon et al.</u> to include

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receiving non-graphical information associated with a selected graphical element including a component specification, and linking information for at least one component specification to a second component specification and the CAD element, area, or sub area because it provides for ease of maintenance, and accuracy of records related to CAD project (See McClendon et al. column 4, lines 1-16).

As to claim 15, <u>Loveland</u> as modified discloses linking said at least one data element representing the physical or the functional within the attribute within the database to a first graphical element data stored in the database (See <u>Loveland</u> column 9, lines 25-32, also see <u>McClendon et al.</u> Figure 2, also see <u>McClendon et al.</u> column 6, lines 1-15).

As to claim 16, <u>Loveland</u> as modified discloses comprising the computer system transmitting data representing a first component specification to a second computer system via internet communication, wherein the data representing the first component specification comprises data representing non-graphical information, wherein the data representing the first component specification is transmitted after the said step of linking said at least one data element (See column 9, lines 1-30, also see column 16, lines 14-24, wherein all project files including linked components are made available on the Internet).

As to claim 17, <u>Loveland</u> as modified discloses comprising the computer system receiving and modifying the non-graphical information displayed in fields of an interface (See

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column 9, lines 43-53, also see column 10, lines 6-17).

As to claim 19, <u>Loveland</u> as modified discloses wherein the first computer system is coupled to the database via the Internet (See column 6, lines 60-67).

As to claim 25, <u>Loveland</u> discloses a memory for storing instructions instructing a processor to perform a method by a first computer system, the method comprising:

a computer system receiving a first graphical element data via internet communication from a first computer system, wherein the first element data represents a first graphical element which is displayable on a monitor of the first computer system and comprising CAD element, area, or sub area (See column 16, lines 14-24, also see column 16, lines 49-55, wherein "CAD element" is part of the CAD project being created);

the computer system storing the first graphical element data into a database in data communication with the computer system (See column 7, lines 35-44);

the computer system receiving and storing within the database a first non-graphical data element representing a physical or functional attribute via internet communication from the first computer system (See column 4, lines 61-67, also see column 15, lines 56-65);

creating a link within the database between the first graphical element data and a first non-graphical data unit in the database after the first graphical element data is stored in the database, wherein the first non-graphical data unit stores first non-graphical information including at least one data element representing physical or functional attribute (See column 8,

lines 1-27, wherein "after.. is stored" reads on "completed projects", also see Figure 2, column 8, line 1-14).

Loveland discloses the claimed invention except for the database configured to link the first non-graphical data nit to the first graphical element data and a second graphical data unit in response to the first non-graphical data element, first graphical element data or second graphical data unit stored to the database by the first computer system. Loveland doesn't explicitly teach linking of components and specification. However, Loveland in Figure 2, column 8, line 1-14, shows how components are linked to attributes, specifications, and photos.

McClendon et al. teaches the database configured to link the first non-graphical data nit to the first graphical element data and a second graphical data unit in response to the first non-graphical data element, first graphical element data or second graphical data unit stored to the database by the first computer system (See McClendon et al. Figure 2, also see McClendon et al. column 9, lines 8-32, and McClendon et al. column 14, lines 28-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Loveland by the teachings of McClendon et al. to include the database configured to link the first non-graphical data nit to the first graphical element data and a second graphical data unit in response to the first non-graphical data element, first graphical element data or second graphical data unit stored to the database by the first computer system because it provides for ease of maintenance, and accuracy of records related to CAD project (See McClendon et al. column 4, lines 1-16).

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As to claim 26, <u>Loveland</u> discloses a memory for storing instructions executable by a computer system to enable a method, the method comprising:

a database receiving and storing first CAD element data generated by a first computer system in data communication with the database, wherein the first CAD element data represents a first CAD element, area, or sub area displayable on a monitor (See column 15, lines 40-64, also see column 16, lines 49-65, wherein "CAD element" reads on "any CAD related data");

the database receiving and storing second CAD element data generated by a second computer system in data communication with the database, wherein the second CAD element data represents a second CAD element displayable on the monitor (See column 16, lines 30-55, wherein "second computer system" reads on "all users and bidders accessing the web interface via a communication network);

the database receiving and storing each of a plurality of component specifications as a data unit (See column 16, lines 14-25, column 16, lines 35-40, and see Figure 22, wherein "data unit" is deemed to "project file" for a created CAD project and stored a single file in the mast structure data), wherein each component specification includes at least one non-graphical data element representing a physical or functional attribute, and at least one data element representing a non-physical and non-functional attribute (See column 4, lines 61-67, also see column 15, lines 56-65), each of said non-graphical elements associated with a CAD element; and

creating a link in the database between the stored second CAD element data and one of the plurality of component specifications stored in the database (See column 8, lines 1-27).

<u>Loveland</u> discloses the claimed invention except for the database configured to link a first component specification of the plurality of component specifications to the second CAD element

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data and a second component specification of the plurality of component specifications in response to the first component specification, the second CAD element, or the second component specification received from the first computer system. <u>Loveland</u> doesn't explicitly teach linking of components and specification. However, <u>Loveland</u> in Figure 2, column 8, line 1-14, shows how components are linked to attributes, specifications, and photos.

McClendon et al. teaches the database configured to link a first component specification of the plurality of component specifications to the second CAD element data and a second component specification of the plurality of component specifications in response to the first component specification, the second CAD element, or the second component specification received from the first computer system (See McClendon et al. Figure 2, also see McClendon et al. column 9, lines 8-32, and McClendon et al. column 14, lines 28-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Loveland by the teachings of McClendon et al. to include the database configured to link a first component specification of the plurality of component specifications to the second CAD element data and a second component specification of the plurality of component specifications in response to the first component specification, the second CAD element, or the second component specification received from the first computer system because it provides for ease of maintenance, and accuracy of records related to CAD project (See McClendon et al. column 4, lines 1-16).

Response to Arguments

12. Applicant's arguments with respect to claims 1- 26 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument regarding claim 1 that "Loveland does not disclose transmitting multiple data elements (which comprise component specification) as one "data unit" to database for storage" is acknowledged but not deemed to be persuasive.

It is not clear from the claim language that a combination of multiple data elements is stored together in a single database file. Instead, the way the claims are written, it simply reads on each element is merely stored as a record in the database. There's no "storing" claimed to the "linking step". Clarification to the claim language is suggested.

This language is not consistently found in all the independent claims.

Furthermore, McClendon et al. column 22, lines 3544, teaches Indexer in taxonomy storing units of product specifications.

Conclusion

- 13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For List of Cited References see PTO-form 892.
- 14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil April 2, 2007